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10/026,840

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EXAMINER

DANNEMAN, PAUL

ART UNIT

PAPER NUMBER

3627

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/026,840	<b>Applicant(s)</b> ELWOOD ET AL.	
	<b>Examiner</b> PAUL DANNEMAN	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Response to Amendment

1. This action is in reply to Applicant's response to the first office action filed on 25 February 2009.
2. Claims 1, 2, 17 and 21 were amended to correct typographical or clerical errors.
3. Claims 1-21 are pending and have been examined in this application.

### Response to Arguments

Applicant argues with regards to the rejection of independent claims 1 and 21 ***"While the iButton may be capable of granting an owner access to such items, the iButton does not track access to an item by a user and the identification of the user as recited in each of independent claims 1 and 21."*** Respectfully the examiner must disagree. iButton in at least page 10 and page 11 discloses that the thermochron device can be networked, can be Web-addressable and may update its own Web page. iButton in at least page 10 further discloses that the device can function either as a standalone instrument where it roams with the object it monitors or it can be networked to interact with audiovisual indicators, displays, hand-held or notebook computers, and Internet web pages for viewing of data.

Richard in at least Column 2, lines 25-28 discloses a computer operatively connected to a robot mechanism for controlling movement and access operations and for registering the contents of the storage receptacles.

**EXAMINER'S NOTE:** Applicant's specification in paragraph [0057] recites "The access system 26 may be a device such as....." and further states "or an iButton that grants access to the goods 14 of the storage unit 12 and/or identifies the individual who seeks access to the goods 14."

Therefore, the rejection of Claims 1 and 21 is proper and is maintained.

4. Applicant further argues with respect to the rejection of Claim 2 ***"Richard et al. does not teach or suggest the access control granting rights to access and identifying the access as***

**recited in claim 2.”** Respectfully the Examiner must disagree Claim 2 is properly rejected. Please see the response above.

Applicant further argues with respect to the rejection of Claim 3 **“Richard et al. also does not teach or suggest the historical and current information being integrated into the construction of the inner storage unit and each tracking device having a unique identifier.”**

Respectfully, the Examiner must disagree. Richard in at least Column 2, lines 25-28 discloses a computer operatively connected to a robot mechanism for controlling movement and access operations and for registering the contents of the storage receptacles. Richard in at least Column 3, lines 1-13 discloses the storage receptacles being accessed by a robotic arm which is operatively connected to a computer for controlling the movement and access operations and for registering the contents of the storage receptacles. iButton in at least page 10 and page 11 discloses that the thermochron device can be networked, can be Web-addressable and may update its own Web page. iButton in at least page 10 further discloses that the device can function either as a standalone instrument where it roams with the object it monitors or it can be networked to interact with audiovisual indicators, displays, hand-held or notebook computers, and Internet web pages for viewing of data. iButton in at least page 3 discloses the iButton being used to grant its owner access to a building, a PC, a piece of equipment, or a vehicle and in page 5 further discloses a globally unique address for identifying the device. Therefore Claim 3 is properly rejected.

5. Applicant argues "no reason is given by Examiner with regard to the rejection of claim 7 where the electrodes of the shelf are electrically connected to a network". However, the Examiner notes that the limitation of Claim 7 is recited as "The storage system of claim 1, wherein the inner storage unit is a shelf, when the electrodes of the shelf are electrically connected to a network with the processing device, the status of the shelf, items is monitored." Respectfully the Examiner must disagree, as Claim 7 makes use of optional language which does not further limit the claim and does not require the execution of the step.

6. Applicant argues with respect to Claim 8 that ***“no reason is given by Examiner for the rejection”***. Respectfully, the Examiner disagrees. iButton in at least page 5 further discloses that the thermochron device can go wherever thermally vulnerable products go and may easily be attached to containers of frozen or fresh foods, blood products, etc. for recording time and temperature during transport and storage. iButton in at least page 10 and page 11 discloses that the thermochron device can be networked, can be Web-addressable and may update its own Web page. Richard in at least Column 2, lines 25-28 discloses a computer operatively connected to a robot mechanism for controlling movement and access operation and for registering the contents of the storage receptacles. Therefore, the iButton which is attached to a container operatively coupled to a network and accessible by Richard's computer (Column 2, lines 25-28) properly anticipates the limitations of Claim 8.
7. Applicant further argues that ***“iButton taken alone, or in combination with the other prior art of record, including Richard et al., fails to teach or suggest the combination of steps recited in independent claim 16 and the rejection should be withdrawn.”*** Respectfully the Examiner must disagree as the rejection of Claim 16 is proper.

***Claim Rejections - 35 USC § 103***

8. **Claims 1 through 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over iButton and further in view of Richard et al., US 6,564,120 B1 hereafter know as Richard.

**Claims 1, 2-15, 17 and 19-21:**

- ***Tracking device tracks time and temperature at discrete time intervals,***
- ***Logging the information being tracked.***

iButton in at least page 5 discloses a thermochron device being used to track time and temperature and further discloses the time and date-stamped temperature being taken and recorded at discrete intervals. iButton in at least page 5 further discloses that the thermochron device can go wherever thermally vulnerable products go and may easily be attached to

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containers of frozen or fresh foods, blood products, etc. for recording time and temperature during transport and storage.

iButton in at least page 8 discloses the thermochron device being configured to log the time and temperature and the device being tracked.

- **Tracking temperature, location and access to a plurality of items by use of a user identification.**

iButton in at least page 3 discloses the iButton being used to grant its owner access to a building, a PC, a piece of equipment, or a vehicle and in page 5 further discloses a globally unique address for identifying the device. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill that the person or item having affixed to it an iButton is being tracked and can be identified.

- **The tracking device communicates with a network to store and receive information.**

iButton in at least page 10 and page 11 discloses that the thermochron device can be networked, can be Web-addressable and may update its own Web page.

iButton does not disclose the following limitations. However, Richard does in at least Fig. 8, Column 2, lines 14-28 disclose:

- ***A storage unit;***
- ***With inner removable storage unit.***

Richard in at least Column 5, lines 42-54 further discloses:

- ***Processing device that reads the tracking data from the tracking device.***

Richard in at least Column 2, lines 25-28 discloses a computer operatively connected to a robot mechanism for controlling movement and access operation and for registering the contents of the storage receptacles.

- ***A data storage device electrically linked to the processing device;***
- ***Tracking data is stored in the data storage device.***

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Richard in at least Column 3, lines 1-7 discloses the storage receptacles in a rectangular grid array. Richard in at least Column 3, lines 26-30 further discloses that the storage receptacles are analogous to safety deposit boxes with an inner and outer panel to allow access to the safety deposit boxes and further discloses in Column 7, lines 13-15 that storage containers may take any form known in the art.

- ***Inner storage unit is a rack, a drawer storage rack or a drawer.***
- ***Inner storage unit is a shelf, a tray.***
- ***Inner storage unit is a Petri dish.***

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to combine the well know temperature, time, and access control elements of iButton with the well known storage features of Richard with the motivation of achieving the combined predictable results for tracking the time and temperature of an item in storage.

**Claim 16:**

iButton do not disclose the following limitation:

- ***Attaching a mechanical arm onto a surface of the storage unit; and***

Richard does not specifically disclose a mechanical arm on the surface of the storage unit. However, Richard in at least Column 6, lines 14-33 discloses that the robot mechanism grasps a hook or other coupling element on the storage unit to extract the storage unit from the storage receptacle. Therefore it would be obvious, at the time of the invention, to a person of ordinary skill in the art that a hook or coupling element is essentially a mechanical arm which serves as a handle allowing the storage unit to be easily removed and replaced within the storage receptacle.

With regard to the limitation:

- ***Coupling a tracking device onto the mechanical arm.***

iButton in at least page 3 discloses the iButton being used to grant its owner access to a building, a PC, a piece of equipment, or a vehicle and in page 5 further discloses a globally unique address. iButton in at least page 5 further discloses that the thermochron device can go wherever

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thermally vulnerable products go and may easily be attached to containers of frozen or fresh foods, blood products, etc. for recording time and temperature during transport and storage.

Richard does not specifically disclose a tracking device coupled to the mechanical arm. However, Richard in at least Column 5, lines 46-50 does disclose the use of bar codes for enabling continued automated supervision and control. Richard in at least Column 6, lines 62-67 further discloses bar code applied to the end walls of the removable storage units, identifying the contents of the storage unit. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to combine the well know temperature, time, and access control elements of iButton with the well known storage features of Richard with the motivation of achieving the combined predictable results for tracking the time and temperature of an item in storage.

**Claim 18:**

iButton does not disclose the following limitation:

- ***Wherein the mechanical arm is a restraint latch.***

Richard does not disclose a restraint latch. However Richard in at least Column 6, lines 1-5 discloses that the storage unit has compartments and each is closed by a friction-lock, slide-lock or snap-lock covers. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art that friction-locks, slide-locks or snap-lock covers are types of restraint latches which are used to prevent a storage unit from accidentally opening and spilling its contents while the storage unit is being inserted or removed from the storage receptacle and during the transportation from one location to another.

**Conclusion**

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

20 April 2009

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627